

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: \_\_\_\_\_

Meeting Type: Regular

Meeting Date: Apr 10, 2014

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Invoke Letter of Credit.

Exact Wording for the Agenda:

Resolution authorizing the Clerk-Treasurer to invoke Bancorp South Letter of Credit No. 362000808661 for Stratford at McMullen Cove Subdivision.

**Note: If amendment, Please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost: \_\_\_\_\_

Budgeted Item: \_\_\_\_\_

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head



Date: 4-3-14

RESOLUTION NO. 14-\_\_\_\_\_

WHEREAS, Bancorp South issued a certain letter of credit (No. 362000808661), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

WHEREAS, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to Bancorp South Letter of Credit No. 362000808661, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 10th day of April, 2014.

\_\_\_\_\_  
President of the City Council  
of the City of Huntsville,  
Alabama

APPROVED this the 10th day of April, 2014.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama



Ext  
Sidewalk

## IRREVOCABLE STANDBY LETTER OF CREDIT

**Date of Issuance:** April 23, 2013

**No.:** 362000808661

**Place of Issuance:** BancorpSouth Bank  
201 South Spring Street  
P.O. Box 789  
Tupelo, MS 38802  
Attn: Trade Finance Department

**Date of Expiry:** April 18, 2014

**Place of Presentment/Expiry:** BancorpSouth Bank  
603 Madison Street  
Huntsville, Alabama 35801  
Attn: Huntsville Division President

**Beneficiary:**  
City of Huntsville, Alabama  
Clerk-Treasurer Office  
308 Fountain Circle  
Huntsville, AL 35801

**Applicant:**  
Enfinger Steele Development LLC  
8624 Memorial Pkwy SW  
Huntsville, AL 35802

**Bank:**  
BancorpSouth Bank  
201 South Spring St.  
P.O. Box 789  
Tupelo, MS 38802  
Attn: Trade Finance Dept.

**Subject:** Article 5 Sidewalk Letter of Credit for Stratford at McMullen Cove

**Amount:** \$67,760.00USD

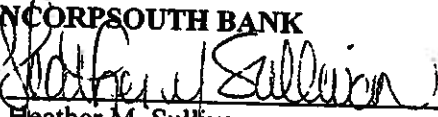
Gentlemen:

We hereby issue our Irrevocable Standby Letter of Credit in your favor for the account of the above-stated applicant for a sum not to exceed the above-stated amount, available by one or more of your drafts drawn on sight at the above-stated address or at the Office of the BancorpSouth Bank in the City of Huntsville, Alabama.

All draft(s) drawn under and in compliance with the terms of this Irrevocable Standby Letter of Credit will be duly honored if drawn and presented for payment on or before the expiration date noted above and accompanied by a signed statement from a representative of the City of Huntsville, Alabama stating: "This draw is being made pursuant to Article 5 of the Subdivision Regulations."

The original of this Letter of Credit must be presented with any drawing. This Irrevocable Standby Letter of Credit shall be governed by the laws of the State of Alabama, including but not limited to the Alabama Uniform Commercial Code, as the same may be amended from time to time.

**BANCORPSOUTH BANK**

By:   
Heather M. Sullivan

Its: Trade Finance Officer

GR  
5/1/13

DS 4-24-13

on RCA 5/1/13